

Honorable Franklin D. Burgess

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

MICHAEL BRANNAN, Individually, as  
Administrator of the estate of BARBARA  
BRANNAN, deceased, and as Parent and Natural  
Guardian for his minor children STEPHANIE  
BRANNAN and RHIANNON BRANNAN,

Plaintiffs,

vs.

NORTHWEST PERMANENTE, P.C.; KAISER  
FOUNDATION HEALTH PLAN OF THE  
NORTHWEST; MINDY ROTHBARD, M.D.;  
and MIKE G. LIN, M.D.,

Defendants.

No. 05-5157 FDB

STIPULATION AND  
PROPOSED ORDER  
FOR CONTINUATION OF  
TRIAL DATE, PRETRIAL  
DATES, AND EXPERT  
DISCOVERY

Noted: Friday, April 28, 2006

THIS MATTER comes before the court on the parties' Stipulation for Continuation of the Trial Date, Pretrial Scheduling Dates, and Expert Discovery. This stipulation resolves Defendants' Motion for Continuation of Trial Date (dkt. no. 47) and Plaintiffs' Motion to Exclude Defendants' Proposed Expert Witnesses (dkt. no. 44) and said motions should be

STIPULATION AND ORDER FOR TRIAL CONTINUANCE

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for New TD.wpd

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1 stricken.

2 The parties agree that they delayed taking expensive depositions of the expert  
3 witnesses in the hopes that the case would be resolved at mediation in April 2006. The case  
4 was not resolved and now, conflicts in scheduling prevent the parties from taking depositions  
5 of expert witnesses in time for proper trial preparation for the currently set trial date of June  
6 26, 2006. Those conflicts include trials in cases set before the instant case and which cannot  
7 be rescheduled. Additional discovery is absolutely necessary in order to properly prepare the  
8 case for trial and to use the court's trial time efficiently and effectively.

9 Regarding the new trial date, the parties agree that the dates of November 6, 2006  
10 through November 20, 2006 should not be considered due to a special trial setting in another  
11 case. Further, the parties seek the first available date from October 1, 2006, regardless of  
12 priority in setting.

13 For these reasons, the parties hereby

14 STIPULATE that the Minute Order Scheduling Jury Trial and Pretrial Dates, issued  
15 on July 7, 2005, should be modified to continue the trial date to the first available trial setting  
16 in October or November 2006, regardless of the priority in setting. The clerk should reset  
17 the remaining pretrial scheduling dates in conformity to the new trial date. The parties further

18 STIPULATE that Defendants have provided plaintiff with supplemental expert reports  
19 in compliance with Fed. R. Civ. P. 26(a)(2)(B). Defendants have requested the opportunity  
20 to have one of their experts examine Rhiannon Brannan and reserve the ability to supplement  
21 the report of Dr. Close following any such evaluation and identify additional experts to  
22 include a life care planner and economist to testify as to the future costs of funding Rhiannon  
23 Brannan's future needs. Further, defendants have agreed to pay for the expert fees of  
24 plaintiffs' depositions of Drs. Brady, Rudoff, Nedrow and Hegyvary for a total of two (2)  
25 hours for each expert's deposition. Any additional expense for time spent in deposition by

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1 any of these experts shall be paid by the plaintiffs. Each party will bear their own expenses  
2 other than as set forth herein. The parties further

3 STIPULATE that the parties shall agree on a discovery schedule once the court has  
4 assigned a new trial date.

5 Dated this 15th day of May 2006.

6 FOR THE PLAINTIFF:

FOR THE DEFENDANT:


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12 **ORDER**

13 The Stipulation of the parties is hereby **APPROVED and GRANTED**. The new trial  
14 date is December 11, 2006. The clerk shall issue a new Minute Order Scheduling remaining  
15 Pretrial Dates in conformity with the parties' Stipulation.

16 DATED this 17<sup>th</sup> day of May 2006.

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21 FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

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26 STIPULATION AND ORDER FOR TRIAL CONTINUANCE

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